

SUBJECT: Proposed text amendment to §1447-09. Expansion of Nonconforming Uses

PURPOSE:

To obtain input and direction from the Planning Commission on zoning text as it relates to the expansion of two-family structures in single family districts.

PROPOSED TEXT AMENDMENT:

§ 1447-09. Expansion of Nonconforming Use.

On application to the Zoning Hearing Examiner pursuant to the procedures and standards established in this chapter, a nonconforming use may be expanded subject to the standards as follows:

(a) A nonconforming use may be expanded through the entire building, however, expansion of the existing building is prohibited, [except as otherwise provided for two-family structures.](#)

(b) [A two-family structure in a single family residential district that was legally established as of February 13, 2004 or for which a building permit had been issued as of February 13, 2004, may be expanded or enlarged within the requirements of the district in which the structure is located, provided there is no increase in the number of dwelling units. The Zoning Hearing Examiner may grant a variance for a proposed expansion or enlargement that does not meet the district requirements pursuant to the procedures and criteria of Chapter 1445, Variances, Special Exceptions and Conditional Uses in addition to the standards enumerated in this chapter.](#)

(c) The expansion of the nonconforming uses of land without buildings may not exceed, in all, 50% of the area devoted to the existing nonconforming use of land. Provided further that expansion of a nonconforming use is limited to expansion on the lot currently occupied by the use and may not extend beyond a district boundary line into a more restrictive district.

JUSTIFICATION:

At the November 4, 2005 meeting of the City Planning Commission (CPC), staff was directed to prepare a zoning text amendment that would allow two-family structures located in single family zoning districts to be upgraded and expanded provided that no new units are created. A public staff meeting was held on November 29, 2005 to discuss this issue and obtain input from interested parties. No one attended the public staff conference.

The proposed amendment addresses the issues presented to the CPC at the November 4, 2005 meeting by the Mt. Adams neighborhood representatives.

Submitted by:

Margaret Wuerstle
Chief Planner